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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,988	07/23/2001	Shigeru Tanaka	Q64671	1372

7590 01/25/2006

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EXAMINER

PRONE, JASON D

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/909,988	Applicant(s) TANAKA ET AL.	
	Examiner Jason Prone	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2005.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,7,8,10 and 23-26 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☒ Claim(s) 16 and 25 is/are allowed.
 6) ☒ Claim(s) 1,3,7,8,10,23 and 24 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 7, 10, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakai et al. (4,442,493) in view of Kiyohara et al. (6,302,602) and further in view of Saito et al. (5,787,778). In regards to claims 1, 3, 7, and 10, Wakai et al. discloses the invention including an apparatus of estimating a lifetime of a cutter (Abstract), a detector for detecting a value of a current loaded on the motor, a comparator (62), an output element (Column 3 third paragraph), the comparator determines if the cutter is unfit for use (Column 3 third paragraph), the comparator is in a microcomputer (18), and a motor driving the cutter (22). The examiner notes that current is measured in amps and an ammeter is used to measure amps therefore it is inherent that an ammeter would be present.

However Wakai et al. fail to disclose a fixed blade, a movable blade that is movable along the fixed blade, a receiving element that receives a sheet piece that is cut off and that is movable together with the movable blade, a support for supporting the movable blade and a support for supporting the receiving element, the supports are integral with one another, the movable blade comprises a rotatably supported disk, and the receiving element comprises a roller which is rotatably supported.

Kiyohara et al. teaches a fixed blade (74), a movable blade that is movable along the fixed blade (42a), a receiving element that receives a sheet piece that is cut off and that is movable together with the movable blade (64), a support for supporting the movable blade (60) and a support for supporting the receiving element (60), the supports are integral with one another (Fig. 6), and the receiving element comprises a roller which is rotatably supported (64). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Wakai et al. with the cutting apparatus, as taught by Kiyohara et al., to allow for the cutting of a flexible web.

Saito et al. teaches the movable blade comprises a rotatably supported disk (3). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Wakai et al. in view of Kiyohara et al. with a rotatably supported disk cutter, as taught by Saito et al., to reduce friction and allow for a longer service life of the movable blade.

3. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wakai et al. in view of Kiyohara et al. and further in view of Saito et al. as applied to claim 1 above. Wakai et al., Kiyohara et al., and Saito et al. disclose the invention but fail to disclose the use of a visual display, however, official notice is taken that the use of an output element comprising a visual display is old and well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Wakai et al. in view of Kiyohara et al. with an output element comprising a visual display for an easier way of seeing the output element.

Allowable Subject Matter

4. Claims 25 and 26 are allowed. Claims 25 and 26 disclose the following allowable subject matter: a receiving element, which receives a sheet piece that is cut off, is movable with the movable blade and has a groove that receives an edge portion of the cut off sheet.

Response to Arguments

5. Applicant's arguments with respect to claims 1 and 10 have been considered but are moot in view of the new ground(s) of rejection. The term blade is defined as: A flat thin part or section, especially one that makes contact to perform a desired action

(source: *The American Heritage® Dictionary of the English Language, Fourth Edition*

Copyright © 2000 by Houghton Mifflin Company. Published by Houghton Mifflin Company). All rights reserved. All of the following reference numerals can be found in the Kiyohara et al. patent. Item 74 is clearly a flat thin section that makes contact with the work piece in order for the movable blade to perform its intended use. Blade 42a could not perform the cutting function without the presence of item 74. None of the current claims disclose a fixed blade with a cutting edge. Roller 64 clearly receives the cut off portion of the work piece. Also, a portion of item 60 supports blade 42a and another portion of 60 supports roller 64 and both of these portions are integrally formed as item 60.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is (571) 272-4513. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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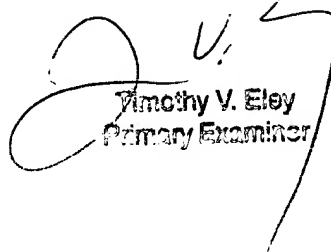
you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).



JP

January 19, 2006



Timothy V. Eley
Primary Examiner